

105TH CONGRESS  
2D SESSION

# S. 2513

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 1998

Referred to the Committee on Resources

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## AN ACT

To transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Oregon Public Land Transfer and Protection Act of  
6       1998”.

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—ROGUE RIVER NATIONAL FOREST TRANSFERS

Sec. 101. Land transfers involving Rogue River National Forest and other public land in Oregon.

#### TITLE II—PROTECTION OF OREGON AND CALIFORNIA RAILROAD GRANT LAND

Sec. 201. Definitions.

Sec. 202. No net loss of O & C land, CBWR land, or public domain land.

Sec. 203. Relationship to Umpqua land exchange authority.

#### TITLE III—CONVEYANCE TO DESCHUTES COUNTY, OREGON

Sec. 301. Conveyance to Deschutes County, Oregon.

## 3 **TITLE I—ROGUE RIVER** 4 **NATIONAL FOREST TRANSFERS**

### 5 **SEC. 101. LAND TRANSFERS INVOLVING ROGUE RIVER NA-** 6 **TIONAL FOREST AND OTHER PUBLIC LAND IN** 7 **OREGON.**

8 (a) TRANSFER FROM PUBLIC DOMAIN TO NATIONAL  
 9 FOREST.—

10 (1) LAND TRANSFER.—The public domain land  
 11 depicted on the map entitled “BLM/Rogue River NF  
 12 Administrative Jurisdiction Transfer, North Half”  
 13 and dated April 28, 1998, and the map entitled  
 14 “BLM/Rogue River NF Administrative Jurisdiction  
 15 Transfer, South Half” and dated April 28, 1998,  
 16 consisting of approximately 2,058 acres within the  
 17 external boundaries of Rogue River National Forest

1 in the State of Oregon, is added to and made a part  
2 of Rogue River National Forest.

3 (2) ADMINISTRATIVE JURISDICTION.—Adminis-  
4 trative jurisdiction over the land described in para-  
5 graph (1) is transferred from the Secretary of the  
6 Interior to the Secretary of Agriculture.

7 (3) MANAGEMENT.—Subject to valid existing  
8 rights, the Secretary of Agriculture shall manage the  
9 land described in paragraph (1) as part of Rogue  
10 River National Forest in accordance with the Act of  
11 March 1, 1911 (commonly known as the “Weeks  
12 Law”) (36 Stat. 961, chapter 186), and other laws  
13 (including regulations) applicable to the National  
14 Forest System.

15 (b) TRANSFER FROM NATIONAL FOREST TO PUBLIC  
16 DOMAIN.—

17 (1) LAND TRANSFER.—The Federal land de-  
18 picted on the maps described in subsection (a)(1),  
19 consisting of approximately 1,632 acres within the  
20 external boundaries of Rogue River National Forest,  
21 is transferred to unreserved public domain status,  
22 and the status of the land as part of Rogue River  
23 National Forest and the National Forest System is  
24 revoked.

1           (2) ADMINISTRATIVE JURISDICTION.—Adminis-  
2       trative jurisdiction over the land described in para-  
3       graph (1) is transferred from the Secretary of Agri-  
4       culture to the Secretary of the Interior.

5           (3) MANAGEMENT.—Subject to valid existing  
6       rights, the Secretary of the Interior shall administer  
7       such land under the laws (including regulations) ap-  
8       plicable to unreserved public domain land.

9       (c) RESTORATION OF STATUS OF CERTAIN NA-  
10   TIONAL FOREST LAND AS REVESTED RAILROAD GRANT  
11   LAND.—

12           (1) RESTORATION OF EARLIER STATUS.—The  
13       Federal land depicted on the maps described in sub-  
14       section (a)(1), consisting of approximately 4,298  
15       acres within the external boundaries of Rogue River  
16       National Forest, is restored to the status of revested  
17       Oregon and California Railroad grant land, and the  
18       status of the land as part of Rogue River National  
19       Forest and the National Forest System is revoked.

20           (2) ADMINISTRATIVE JURISDICTION.—Adminis-  
21       trative jurisdiction over the land described in para-  
22       graph (1) is transferred from the Secretary of Agri-  
23       culture to the Secretary of the Interior.

24           (3) MANAGEMENT.—Subject to valid existing  
25       rights, the Secretary of the Interior shall administer

1 the land described in paragraph (1) under the Act  
2 of August 28, 1937 (43 U.S.C. 1181a et seq.), and  
3 other laws (including regulations) applicable to re-  
4 vested Oregon and California Railroad grant land  
5 under the administrative jurisdiction of the Sec-  
6 retary of the Interior.

7 (d) ADDITION OF CERTAIN REVESTED RAILROAD  
8 GRANT LAND TO NATIONAL FOREST.—

9 (1) LAND TRANSFER.—The revested Oregon  
10 and California Railroad grant land depicted on the  
11 maps described in subsection (a)(1), consisting of  
12 approximately 960 acres within the external bound-  
13 aries of Rogue River National Forest, is added to  
14 and made a part of Rogue River National Forest.

15 (2) ADMINISTRATIVE JURISDICTION.—Adminis-  
16 trative jurisdiction over the land described in para-  
17 graph (1) is transferred from the Secretary of the  
18 Interior to the Secretary of Agriculture.

19 (3) MANAGEMENT.—Subject to valid existing  
20 rights, the Secretary of Agriculture shall manage the  
21 land described in paragraph (1) as part of Rogue  
22 River National Forest in accordance with the Act of  
23 March 1, 1911 (36 Stat. 961, chapter 186), and  
24 other laws (including regulations) applicable to the  
25 National Forest System.

1           (4) DISTRIBUTION OF RECEIPTS.—Notwith-  
2           standing the sixth paragraph under the heading  
3           “FOREST SERVICE” in the Act of May 23, 1908 and  
4           section 13 of the Act of March 1, 1911 (16 U.S.C.  
5           500), revenues derived from the land described in  
6           paragraph (1) shall be distributed in accordance  
7           with the Act of August 28, 1937 (43 U.S.C. 1181a  
8           et seq.).

9           (e) BOUNDARY ADJUSTMENT.—The boundaries of  
10          Rogue River National Forest are adjusted to encompass  
11          the land transferred to the administrative jurisdiction of  
12          the Secretary of Agriculture under this section and to ex-  
13          clude private property interests adjacent to the exterior  
14          boundaries of Rogue River National Forest, as depicted  
15          on the map entitled “BLM/Rogue River NF Boundary Ad-  
16          justment, North Half” and dated April 28, 1998, and the  
17          map entitled “BLM/Rogue River NF Boundary Adjust-  
18          ment, South Half” and dated April 28, 1998.

19          (f) MAPS.—Not later than 60 days after the date of  
20          enactment of this Act, the maps described in this section  
21          shall be available for public inspection in the office of the  
22          Chief of the Forest Service.

23          (g) MISCELLANEOUS REQUIREMENTS.—As soon as  
24          practicable after the date of enactment of this Act, the

1 Secretary of the Interior and the Secretary of Agriculture  
2 shall—

3 (1) revise the public land records relating to the  
4 land transferred under this section to reflect the ad-  
5 ministrative, boundary, and other changes made by  
6 this section; and

7 (2) publish in the Federal Register appropriate  
8 notice to the public of the changes in administrative  
9 jurisdiction made by this section with regard to the  
10 land.

## 11 **TITLE II—PROTECTION OF OR-** 12 **EGON AND CALIFORNIA RAIL-** 13 **ROAD GRANT LAND**

### 14 **SEC. 201. DEFINITIONS.**

15 In this title:

16 (1) O & C LAND.—The term “O & C land”  
17 means the land (commonly known as “Oregon and  
18 California Railroad grant land”) that—

19 (A) revested in the United States under  
20 the Act of June 9, 1916 (39 Stat. 218, chapter  
21 137); and

22 (B) is managed by the Secretary of the In-  
23 terior through the Bureau of Land Manage-  
24 ment under the Act of August 28, 1937 (43  
25 U.S.C. 1181a et seq.).

1           (2) CBWR LAND.—The term “CBWR land”  
 2       means the land (commonly known as “Coos Bay  
 3       Wagon Road grant land”) that—

4           (A) was reconveyed to the United States  
 5       under the Act of February 26, 1919 (40 Stat.  
 6       1179, chapter 47); and

7           (B) is managed by the Secretary of the In-  
 8       terior through the Bureau of Land Manage-  
 9       ment under the Act of August 28, 1937 (43  
 10      U.S.C. 1181a et seq.).

11       (3) PUBLIC DOMAIN LAND.—

12           (A) IN GENERAL.—The term “public do-  
 13      main land” has the meaning given the term  
 14      “public lands” in section 103 of the Federal  
 15      Land Policy and Management Act of 1976 (43  
 16      U.S.C. 1702).

17           (B) EXCLUSIONS.—The term “public do-  
 18      main land” does not include O & C land or  
 19      CBWR land.

20       (4) GEOGRAPHIC AREA.—The term “geographic  
 21      area” means the area in the State of Oregon within  
 22      the boundaries of the Medford District, Roseburg  
 23      District, Eugene District, Salem District, Coos Bay  
 24      District, and Klamath Resource Area of the  
 25      Lakeview District of the Bureau of Land Manage-



1       ment, as the districts and the resource area were  
2       constituted on January 1, 1998.

3               (5) SECRETARY.—The term “Secretary” means  
4       the Secretary of the Interior.

5   **SEC. 202. NO NET LOSS OF O & C LAND, CBWR LAND, OR**  
6               **PUBLIC DOMAIN LAND.**

7       In carrying out sales, purchases, and exchanges of  
8   land in the geographic area, the Secretary shall ensure  
9   that on expiration of the 10-year period beginning on the  
10   date of enactment of this Act and on expiration of each  
11   10-year period thereafter, the number of acres of O & C  
12   land and CBWR land in the geographic area, and the  
13   number of acres of O & C land, CBWR land, and public  
14   domain land in the geographic area that are available for  
15   timber harvesting, are not less than the number of acres  
16   of such land on the date of enactment of this Act.

17   **SEC. 203. RELATIONSHIP TO UMPQUA LAND EXCHANGE AU-**  
18               **THORITY.**

19       Notwithstanding any other provision of this title, this  
20   title shall not apply to an exchange of land authorized  
21   under section 1028 of the Omnibus Parks and Public  
22   Lands Management Act of 1996 (Public Law 104–333;  
23   110 Stat. 4231), or any implementing legislation or ad-  
24   ministrative rule, if the land exchange is consistent with  
25   the memorandum of understanding between the Umpqua

1 Land Exchange Project and the Association of Oregon  
 2 and California Land Grant Counties dated February 19,  
 3 1998.

## 4 **TITLE III—CONVEYANCE TO** 5 **DESCHUTES COUNTY, OREGON**

### 6 **SEC. 301. CONVEYANCE TO DESCHUTES COUNTY, OREGON.**

7 (a) PURPOSES.—The purposes of this section are to  
 8 authorize the Secretary of the Interior to sell at fair mar-  
 9 ket value to Deschutes County, Oregon, certain land to  
 10 be used to protect the public’s interest in clean water in  
 11 the aquifer that provides drinking water for residents and  
 12 to promote the public interest in the efficient delivery of  
 13 social services and public amenities in southern Deschutes  
 14 County, Oregon, by—

15 (1) providing land for private residential devel-  
 16 opment to compensate for development prohibitions  
 17 on private land currently zoned for residential devel-  
 18 opment the development of which would cause in-  
 19 creased pollution of ground and surface water;

20 (2) providing for the streamlined and low-cost  
 21 acquisition of land by nonprofit and governmental  
 22 social service entities that offer needed community  
 23 services to residents of the area;

24 (3) allowing the County to provide land for  
 25 community amenities and services such as open

1 space, parks, roads, and other public spaces and  
 2 uses to area residents at little or no cost to the pub-  
 3 lic; and

4 (4) otherwise assist in the implementation of  
 5 the Deschutes County Regional Problem Solving  
 6 Project.

7 (b) SALE OF LAND.—

8 (1) IN GENERAL.—The Secretary of the Inte-  
 9 rior, acting through the Director of the Bureau of  
 10 Land Management (referred to in this section as the  
 11 “Secretary”) may make available for sale at fair  
 12 market value to Deschutes County, Oregon, the land  
 13 in Deschutes County, Oregon (referred to in this  
 14 section as the “County”), comprising approximately  
 15 544 acres and lying in Township 22, S., Range 10  
 16 E. Willamette Meridian, described as follows:

17 (A) Sec. 1:

18 (i) Government Lot 3, the portion  
 19 west of Highway 97;

20 (ii) Government Lot 4;

21 (iii) SENW, the portion west of High-  
 22 way 97; SWNW, the portion west of High-  
 23 way 97, NWSW, the portion west of High-  
 24 way 97; SWSW, the portion west of High-  
 25 way 97;

1 (B) Sec. 2:

2 (i) Government Lot 1;

3 (ii) SENE, SESW, the portion east of  
4 Huntington Road; NESE; NWSE; SWSE;  
5 SESE, the portion west of Highway 97;

6 (C) Sec. 11:

7 (i) Government Lot 10;

8 (ii) NENE, the portion west of High-  
9 way 97; NWNE; SWNE, the portion west  
10 of Highway 97; NENW, the portion east  
11 of Huntington Road; SWNW, the portion  
12 east of Huntington Road; SENW.

13 (2) SUITABILITY FOR SALE.—The Secretary  
14 shall convey the land under paragraph (1) only if  
15 the Secretary determines that the land is suitable  
16 for sale through the land use planning process.

17 (c) SPECIAL ACCOUNT.—The amount paid by the  
18 County for the conveyance of land under subsection (b)—

19 (1) shall be deposited in a special account in  
20 the Treasury of the United States; and

21 (2) may be used by the Secretary for the pur-  
22 chase of environmentally sensitive land east of  
23 Range Nine East in the State of Oregon that is con-  
24 sistent with the goals and objectives of the land use

1 planning process of the Bureau of Land Manage-  
2 ment.

Passed the Senate October 9 (legislative day, October 2), 1998.

Attest:

GARY SISCO,  
*Secretary.*